

SECTION 7.02 PROHIBITIONS.

(A) *Activities prohibited.*

(1) No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any City position or appointive City administrative office because of race, gender, age, handicap, religion, country of origin or political affiliation.

(2) No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the provisions of this Charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.

(3) No person who seeks appointment or promotion with respect to any City position or appointive City administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his or her test, appointment, proposed appointment, promotion or proposed promotion.

(B) *Penalties.* The City Council shall establish by ordinance such penalties as it may deem appropriate for the violation of this section.

SECTION 7.03 MUNICIPAL COURT.

In the event that the Municipal Court now exercising jurisdiction for the punishment of offenders against ordinances of the City of Claremore shall at any time be abolished by law or declared not to possess jurisdiction to try and determine such offenses or shall be held unconstitutional, the City

CHAPTER 103: EQUAL ACCESS TO HOUSING

Section

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§ 103.01 INTENT.

The general intention of the City Council in providing for the passage of this chapter is as follows:

(A) To secure for all residents of the city equal access to housing in all neighborhoods and areas of the city; and

(B) To preserve the public welfare, to provide for the preservation of public peace, health and safety. (Ord. 2002-30, passed 10-21-02)

/ § 103.02 ACTS PROHIBITED.

It shall be unlawful for any person, firm, corporation or association to commit any of the following acts:

(A) To refuse to sell, lease, rent, assign or otherwise transfer the title or other interest in any housing, or real property upon which residential housing is to be constructed, to any person, or to discriminate in the terms or conditions of the sale, rental or leasing of any residential housing unit, because of race, color, religion, or national origin, familial status, or disabilities.

(B) To refuse to negotiate with any person for the sale, rental, or leasing of any residential property,

or to represent that such property is not available for inspection, sale, rental or lease when in fact, it is so available, because of such person's race, color, religion, or national origin, familial status, or disabilities.

(C) To solicit or induce, or attempt to solicit or induce, any person owning any interest in residential housing to sell, rent or lease, or not to sell, rent or lease such housing to any person on the grounds of loss of value due to the present or prospective entry into the neighborhood of a person or persons of another race, color, religion, or national origin, familial status or disabilities either by direct solicitation or inducement or by the purchase of other property in the neighborhood for the purpose of such inducement, to distribute, or cause to be distributed, material or make statements designed to induce a residential property owner to sell or lease his or her property due to such change in neighborhood.

(D) To file a complaint alleging violation of this chapter, with knowledge that such complaint is false in any material respect, or to file such complaint for the sole purpose of harassment.

(Ord. 2002-30, passed 10-21-02) Penalty, see § 10.99

§ 103.03 ACTS EXEMPTED.

Nothing contained herein shall apply to the following:

(A) To prohibit persons from giving a preference to prospective buyers or tenants for reasons other than race, color, religion, national origin, familial status or disability.

in the conduct of evaluations of applications for allocations pursuant to this subchapter, the city and city officials, employees, agents, and contractors shall comply and the City Council shall require that persons participating in the public hearing shall comply with all requirements of federal and state law regarding discrimination, including Titles VI and VII of the Civil Rights Act of 1964, as amended, and Title VIII of the Civil Rights Act of 1968, as amended, and all other applicable federal, state and city laws, ordinances, rules and regulations pertaining to any form of discrimination, or housing quality standards as they may from time to time be amended.

(Ord. 96-22, passed 7-15-96)

Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits employment discrimination based on race, color, religion, sex, or national origin;

the Equal Pay Act of 1963 (EPA), which protects men and women who perform substantially equal work in the same establishment from sex-based wage discrimination;

the Age Discrimination in Employment Act of 1967 (ADEA), which protects individuals who are 40 years of age or older;

Title I and Title V of the Americans with Disabilities Act of 1990 (ADA), which prohibit employment discrimination against qualified individuals with disabilities in the private sector, and in state and local governments.

Reference: <http://www.eeoc.gov/>

Pay differentials are permitted when they are based on seniority, merit, quantity, quality, production, or a factor other than sex. These are known as "affirmative defenses" and it is the City of Claremore's burden to prove that they apply. In correcting a pay differential, no employee's pay may be reduced. Instead, the pay of the lower paid employee(s) must be increased.

I. Race / Color Discrimination

It is unlawful to discriminate against any individual in regard to recruiting, hiring and promotion, transfer, work assignments, performance measurements, the work environment, job training, discipline and discharge, wages and benefits, or any other term, condition, or privilege of employment.

II. Religious Discrimination

The City of Claremore will not discriminate against individuals because of their religion in hiring, firing, and other terms and conditions of employment. Religious discrimination also applies to labor organizations.

III. Sex-Based Discrimination

It is unlawful to discriminate against any employee or applicant for employment because of his/her sex in regard to hiring, termination, promotion, compensation, job training, or any other term, condition, or privilege of employment. The City of Claremore also prohibits employment decisions based on stereotypes and assumptions about abilities, traits, or the performance of individuals on the basis of sex. Title VII prohibits both the intentional discrimination and neutral job policies that disproportionately exclude individuals on the basis of sex and that are not job related.

IV. Sexual Harassment

Sexual harassment is a form of sex discrimination and applies to local governments as well as labor organizations. Unwelcome sexual advances, request for

intimidating, hostile, or offensive work environment.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- A. The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.
- B. The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- C. The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- D. Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
- E. The harasser's conduct must be unwelcome.

V. National Origin Discrimination

Whether an employee or job applicant's ancestry is Mexican, Ukrainian, Filipino, Arab, American Indian, or any other nationality, he or she is entitled to the same employment opportunities as anyone else.

VI. Equal Pay and Compensation Discrimination

The Equal Pay Act requires that man and women be given equal pay for equal work in the same establishment. The jobs need not be identical, but they must be substantially equal. It is job content, not job titles, which determine whether jobs are substantially equal. Substantially equal skills include, but may not be limited to, skill, effort, responsibility, working conditions, and establishment as summarized below:

- A. Skill – Measured by factors such as the experience, ability, education, and training required to perform the job. The key issue is what skills are required for the job, not what skills the individual employees have.
- B. Effort – The amount of physical or mental exertion needed to perform the job.
- C. Responsibility – The degree of accountability required in performing the job.
- D. Working Conditions – This encompasses two factors: (1) physical surroundings like temperature, fumes, and ventilation; and (2) hazards.

VII. Age Discrimination

The Age Discrimination in Employment Act of 1967 (ADEA) protects individuals who are 40 years of age or older. It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on age or for filing an age discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under the ADEA.

VIII. Disability Discrimination

Title I of the Americans with Disabilities Act of 1990 (ADA) prohibits local governments and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. A person with a disability is a person who:

- A. has a physical or mental impairment that substantially limits one or more major life activities;
- B. Has a record of such an impairment; or
- C. is regarded as having such impairment.

A qualified employee or applicant with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the job in question. Reasonable accommodation may include, but is not limited to:

- A. Making existing facilities used by employees readily accessible to and usable by persons with disabilities.
- B. Job restructuring, modifying work schedules, reassignment to a vacant position;
- C. acquiring or modifying equipment or devices, adjusting or modifying examinations, training materials, or policies, and providing qualified readers or interpreters.

An employer is not required to make reasonable accommodations if it would impose an "undue hardship" on the operation of the city. Undue hardship is defined as an action requiring significant difficulty or expense when considered in light of factors such as an employer's size, financial resources, and the nature and structure of its operation. An employer is not required to lower quality or production standards to

IX. Pregnancy Discrimination

The Pregnancy Discrimination Act is an amendment to Title VII of the Civil Rights Act of 1964, and includes discrimination on the basis of pregnancy, childbirth, or related medical conditions. Women who are pregnant or affected by related conditions must be treated in the same manner as other applicants or employees with similar abilities or limitations.

X. Genetics

Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA) protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic test of applicants, employees, or their family members; the manifestation of disease or disorders in family members (family medical history); and request for or receipt of genetic services by applicants, employees, or their family members.

to include equal employment opportunities outline in *Employment Practices*.

A. Notify immediate supervisor in writing using appropriate form provided by Human Resources. If the complaint involves the immediate supervisor then it should be reported to the next level of authority. The appropriate level of authority will meet with Human Resources to determine what action will be taken.

B. No complaint of discrimination should be taken lightly. All complaints of discrimination should be forwarded to the Human Resource Office as soon as possible.

II. Investigation and Action

The Human Resource office will take the necessary steps to initiate an investigation of the discrimination and / or harassment claim in as confidential a manner as possible for a timely resolution. Corrective action, up to and including termination, will be taken promptly against any employee engaging in discrimination and / or harassment. When it is determined that a non-employee is responsible for discrimination and / or harassment the City of Claremore will take action reasonably calculated to end the harassment.

otherwise "retaliate" against an individual for filing a charge of discrimination, participating in a discrimination proceeding, or otherwise opposing discrimination. The same laws that prohibit discrimination based on race, color, sex, religion, national origin, age, and disability, as well as wage differences between men and women performing substantially equal work, also prohibit retaliation against individuals who oppose unlawful discrimination or participate in an employment discrimination proceeding.

In addition, individuals are also protected from coercion, intimidation, threat, harassment, or interference in their exercise of their own rights or their encouragement of someone else's exercise of right granted by the ADA. Three main elements are used to describe retaliation:

Adverse action against a **covered individual** because he or she engaged in a **protected activity**.

Employees who engage in violent acts or engage in behavior that threatens the safety of employees or visitors in the workplace may be subject to immediate action, up to and including termination. The City of Claremore specifically prohibits the following activities:

- A. Engaging in, or threatening to engage in, an act of violence against an employee, visitor, or others in the workplace;
- B. Using or possessing any weapon on the City of Claremore property or while conducting City of Claremore business. A weapon may be determined by an object and the intent of the employee using such object in a threatening manner.
- C. Storing any weapon in a city vehicle, locker, desk, purse, or any other repository on the City of Claremore property,

II. Action

Any person who engages in, or threatens to engage in, violent acts will be removed from the premises as soon as safety permits and shall remain off City of Claremore premises pending the outcome of any investigation. At that time, the City of Claremore will determine the appropriate action to be taken. Any and all force used to remove from the premises a person who engages in, or threatens to engage in any violent act, will be the minimal amount of force necessary for such removal.

III. Reporting

Reporting workplace violence will follow the same guidelines as reporting Standard of Conduct violations.

behavior while at work and at City sponsored events. Employees shall be responsible for ensuring that the conduct of any of their guest at a City sponsored function is respectful and not offensive to anyone in attendance. These standards are not intended to restrict employees but to ensure a consistent application of the policies and procedures for all employees. These standards include, but are not limited to:

- A. Come to work on time, follow directions, apply good listening skills, concentrate on work, recognize problems and help find solutions, manage time effectively, maintain a safe work environment, be honest and dependable, be cooperative, have a positive attitude, and be a courteous and considerate team member.
- B. Completing all documents and records accurately, carry out assigned duties and follow reasonable instructions or request from Department Heads,
- C. not possessing unauthorized weapons on City premises,
- D. Refraining from any manner of form of discrimination and / or harassment regardless of whether it is sexual, racial, religious, or related to another's gender, age, sexual orientation, or disability;
- E. Use city property or that of another employee in an appropriate manner;
- F. Refraining from the misuse, theft, or destruction of City time and / or property or another employee's property;
- G. Remain in your work area, on the job, and awake during working hours;
- H. Reporting to work not under the influence of alcohol and/or drugs and refraining from using, selling, or possessing illegal drugs on City of Claremore premises or while on City of Claremore business.
- I. Passing mandatory drug test and/or alcohol test or not refusing to take a drug and/or alcohol test;
- J. Refraining from use of foul or offensive language, fighting, threatening, intimidating, or coercing fellow employees during working hours or at City sponsored functions;
- K. Disclosing or using confidential or proprietary information only with proper authorization;

While this list is not all inclusive, violations of rules and unacceptable conduct may result in disciplinary action, up to and including termination of employment. The City of Claremore reserves the right to apply greater or lesser discipline for any infraction, whether published or unpublished, depending upon the circumstances and intent.

II. Employees Late or Sick; Calling In

Employees calling in sick please reference section 4.5 (III). In most cases employees should make an attempt to notify their supervisor or department head if they are not coming to work or will be late prior to 15 minutes of their scheduled shift. The City of Claremore understands there are circumstances which may make this difficult; the employee should notify the city as soon as practicable. Each incident will be evaluated on its own weight. Failing to notify a supervisor or department head may lead to disciplinary action.